

EXHIBIT B

ADAM R.F. GUSTAFSON
Acting Assistant Attorney General

ERIC GRANT
United States Attorney

ROBERT N. STANDER
Deputy Assistant Attorney General

EDWARD A. OLSEN
Assistant United States Attorney

JOHN K. ADAMS

501 I Street, Suite 10-100

DAVID D. MITCHELL

Sacramento, California 95814

United States Department of Justice
Environment & Natural Resources Div.

(916) 554-2821

P.O. Box 7611

Washington, D.C. 20044-7611

(202) 353-5905

robert.stander@usdoj.gov

john.adams3@usdoj.gov

David.Mitchell@usdoj.gov

Counsel for Plaintiffs-Intervenors

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

DAIMLER TRUCK NORTH AMERICA
LLC, INTERNATIONAL MOTORS, LLC,
PACCAR INC, and
VOLVO GROUP NORTH AMERICA LLC,

Civil Action No. 2:25-cv-02255-
DC-AC

Plaintiffs,

v.

CALIFORNIA AIR RESOURCES
BOARD; STEVEN S. CLIFF, in his official
capacity as the Executive Officer of the
California Air Resources Board, and
GAVIN NEWSOM, in his official capacity
as the Governor of California,

**COMPLAINT IN INTERVENTION
FOR DECLARATORY AND
INJUNCTIVE RELIEF**

Defendants,

v.

THE UNITED STATES OF AMERICA, and
UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY,

Plaintiffs-Intervenors.

INTRODUCTION

1
2 1. In defiance of federal law, the State of California is attempting to use its
3 own vehicle and engine emissions standards through a so-called “Clean Truck
4 Partnership” to ban internal-combustion engines in heavy-duty trucks,
5 notwithstanding duly enacted federal statutes specifically providing that those
6 regulatory standards are preempted. The Clean Truck Partnership is California’s
7 attempt to enforce three sets of stringent emissions standards adopted by the
8 California Air Resources Board (“CARB”): the Omnibus’ Low NOx (“Omnibus”) rule,
9 the Advanced Clean Trucks (“ACT”) rule, and the Advanced Clean Fleets (“ACF”) rule.
10 Individually or collectively, these emission standards effectively impose a nationwide
11 ban on internal-combustion engines in heavy-duty trucks by 2036.

12 2. The decision whether to ban internal-combustion engines in heavy-duty
13 trucks rests ultimately with the federal government. And it has declined to take such
14 a far-reaching step. In June 2025, the President signed into law Congressional joint
15 resolutions providing that Environmental Protection Agency (“EPA”) preemption
16 waivers for the Omnibus and ACT rules “shall have no force or effect.” Pub. L. No.
17 119-15, 139 Stat. 65 (ACT); Pub. L. No. 119-17, 139 Stat. 67 (Omnibus). These rules,
18 along with the ACF regulation for which EPA had never issued a waiver, are now
19 preempted under the express prohibition in the Clean Air Act that bars *any* State from
20 *attempting to* enforce its own emissions standards. *See* 42 U.S.C. § 7543(a).

21 3. But neither the Clean Air Act nor the Congressional disapprovals signed
22 into law by the President have stopped CARB from demanding compliance with
23 California’s preempted emissions standards. To the contrary, CARB continues to
24 threaten truck manufacturers who refuse to comply with its preempted regulations
25 with severe civil sanctions and hostile regulatory treatment.

26 4. On August 11, 2025, the U.S. House of Representatives Committee on
27 Energy and Commerce notified CARB of its illegal actions: “[T]he Committee has been
28 made aware that CARB staff is denying auto manufacturers approval to bring vehicles

1 to market unless the manufacturers agree to comply with the preempted regulations.”
2 U.S. House of Representatives Committee on Energy and Commerce, *Letter to Steven*
3 *S. Cliff* at 2 (Aug. 11, 2025), <https://perma.cc/EB5X-FZR2>.

4 5. California’s defiance of federal constitutional and statutory law must
5 stop: CARB’s ongoing enforcement of preempted California emissions standards
6 grossly intrudes on the exclusive authority of the federal government to regulate
7 motor vehicle and engine emissions under the Clean Air Act, according to national
8 uniform standards. And it harms ordinary citizens from coast to coast by blocking the
9 sale of fossil-fuel powered heavy-duty trucks, which are the lifeblood of our interstate
10 commerce, as they transport a vast amount of goods and materials every day that keep
11 businesses operating, consumers stocked, and prices low.

12 6. Because CARB is defying the supremacy of federal authority that
13 Congress enacted in the Clean Air Act’s Title II mobile-source program in its
14 determination of the public interest, Plaintiffs-Intervenors the United States EPA
15 (collectively, the “United States”) bring this action against CARB, California, and its
16 Governor to stop California’s ongoing usurpation of federal authority to set national
17 uniform emissions standards for mobile sources. The Supremacy Clause of the
18 Constitution and the Clean Air Act’s preemption provision prevent California from
19 enforcing preempted emissions standards, through the Clean Truck Partnership or
20 otherwise.

21 7. The Court should declare the ACT, ACF, and Omnibus rules and the
22 Clean Truck Partnership preempted and therefore unlawful, and it should enjoin their
23 implementation and enforcement.

24 JURISDICTION AND VENUE

25 8. This Court has subject matter jurisdiction over the claims in this
26 Complaint in Intervention under 28 U.S.C. §§ 1331 and 1345.

27 9. This Court may order the injunctive relief requested under its authority
28 to hear cases in equity seeking to enjoin violations of federal law. *See Arizona v. United*

Complaint-in-Intervention

Case No. 2:25-cv-02255-DC-AC

1 *States*, 567 U.S. 387 (2012); *see also* *Armstrong v. Exceptional Child Ctr., Inc.*, 575
2 U.S. 320, 327 (2015); *Free Enter. Fund v. Pub. Co. Acct. Oversight Bd.*, 561 U.S. 477,
3 491 n.2 (2010); *United States v. Abbott*, 85 F.4th 328, 332 (5th Cir. 2023). The Court
4 may order the declaratory relief requested under 28 U.S.C. §§ 2201 and 2202.

5 10. Defendants California Air Resources Board and Steven S. Cliff
6 (collectively, “CARB”), in his official capacity as the Executive Officer of the California
7 Air Resources Board, are charged with implementing and enforcing the regulations at
8 issue. Defendant Gavin Newsom, in his official capacity as the Governor of California,
9 is charged with enforcing state law and has directed CARB to take actions related to
10 enforcement of the state regulations discussed herein.

11 11. Venue is proper in this District under 28 U.S.C. § 1391(b) because all
12 Defendants maintain an office and conduct their official duties within this judicial
13 district, and a substantial part of the events or omissions giving rise to this action
14 occurred within this judicial district.

15 THE PARTIES

16 12. Plaintiff-Intervenor the United States of America is suing on its own
17 behalf, on behalf of its citizens, and on behalf of its executive department.

18 13. Plaintiff-Intervenor the U.S. Environmental Protection Agency is a
19 federal executive agency with responsibility for administering the Clean Air Act,
20 including the regulation of motor vehicle and engine emissions.

21 14. Defendant California Air Resources Board is a branch of the California
22 Environmental Protection Agency, which is an agency of the State of California. The
23 California Health and Safety Code authorizes CARB to promulgate and enforce
24 regulations to control emissions from new motor vehicles and engines. CARB is
25 headquartered in Sacramento, in the State and Eastern District of California, and it
26 performs its official duties throughout the State of California.

27 15. Defendant Steven S. Cliff is the Executive Officer of CARB. Defendant
28 Cliff is responsible, directly and through CARB, for the promulgation,

1 implementation, and enforcement of the ACT rule, the ACF rule, and the Omnibus
2 rule, including through the Clean Truck Partnership. He is also authorized to
3 implement and enforce all motor vehicle emission standards in the State of California.
4 The Executive Officer maintains an office in Sacramento, in the State and Eastern
5 District of California, and he performs his official duties in Sacramento, California.
6 He is sued in his official capacity.

7 16. Defendant Gavin Newsom is the Governor of the State of California.
8 Governor Newsom has directed CARB to continue enforcing preempted CARB
9 regulations. Governor Newsom issued an Executive Order threatening vehicle
10 manufacturers with detrimental regulatory treatment for failure to follow the Clean
11 Truck Partnership or for failing to certify their products in compliance with preempted
12 CARB regulations. This suit is brought against the Governor in his official capacity.
13 The Governor maintains an office in Sacramento, in the State and Eastern District of
14 California, and performs his official duties in Sacramento, California.

15 APPLICABLE LAW

16 I. The Clean Air Act's Mobile Source Program

17 17. In 1965, Congress amended Title II of the Act to authorize federal
18 emission standards for motor vehicles. Pub. L. No. 89-272, § 101, 79 Stat. 992 (1965).
19 Then as now, section 202 governs federal emission standards for air pollutants
20 emitted from new motor vehicles or engines found to “cause, or contribute to . . . air
21 pollution which may reasonably be anticipated to endanger public health or welfare.”
22 42 U.S.C. § 7521(a)(1). In setting those standards, EPA must consider technological
23 feasibility, lead time, and “cost of compliance.” *Id.* § 7521(a)(2).

24 18. Even after section 202's enactment, many states continued developing
25 their own emission programs. *See, e.g., Motor Vehicle Mfrs. Ass'n v. N.Y. State Dep't*
26 *of Env'tl. Conservation*, 17 F.3d 521, 525 (2d. Cir. 1994). Congress responded in 1967
27 by adding section 209(a), a broad preemption provision. This provision is the
28 “cornerstone” of Title II. *Motor Vehicle Mfrs.*, 17 F.3d at 526.

1 19. Section 209(a) provides: “No State . . . shall adopt or attempt to enforce
2 any standard relating to the control of emissions from new motor vehicles.” 42 U.S.C.
3 § 7543(a). Further: “No State shall require certification, inspection, or any other
4 approval relating to the control of emissions from any new motor vehicle or new motor
5 vehicle engine as condition precedent to the initial retail sale, titling (if any), or
6 registration of such motor vehicle, motor vehicle engine, or equipment.” *Id.* This
7 differs from the Act’s other programs. Congress chose cooperative federalism in Title
8 I (generally governing stationary sources) but national uniformity in Title II (mobile
9 sources). *Compare id.* § 7416 (retention of state authority), with *id.* §7543(a)
10 (preemption of state emission regulations).

11 20. Congress left only one narrow path to an exception to section 209(a)’s
12 broad preemptive reach with respect to emission standards for new motor vehicles
13 and engines. Specifically, in what is now section 209(b), Congress allowed EPA to
14 grant a preemption waiver to a state that adopted certain emissions standards before
15 March 30, 1966. 42 U.S.C. § 7543(b). Congress knew this meant only California.

16 21. To receive a waiver for an emissions standard, and then impose the
17 certification requirements, California must first “determine[] that [its own] State
18 standards will be, in the aggregate, at least as protective of public health and welfare
19 as applicable Federal standards.” *Id.* § 7543(b)(1).

20 22. But EPA cannot promulgate a waiver if it finds, after notice and
21 opportunity for a public hearing, that: (1) “the determination by [California] is
22 arbitrary and capricious,” (2) California “does not need such State standards to meet
23 compelling and extraordinary conditions”; or (3) “such State standards and
24 accompanying enforcement procedures are not consistent with [section 202(a)].” *Id.*
25 § 7543(b)(1).

26 23. Congress included the California waiver provision because of the State’s
27 “unique” smog problems at the time. H.R. Rep. 90-728, at 1958, 1986 (1967). These
28 were the “compelling and extraordinary circumstances sufficiently different from the

1 Nation as a whole” to justify limited deviation from section 209(a)’s demand for
2 uniformity. *Id.* at 1956; *see* S. Rep. 90-403, at 33 (1967).

3 24. In 1977, Congress again amended the Act and added section 177. *See*
4 Pub. L. No. 95-95. That provision permits “any State” with EPA-approved plans for
5 regulations of certain air pollutants under Title I of the Act to “adopt and enforce”
6 standards for new motor vehicles or vehicle engines governed by Title II of the Act
7 that are “identical to the California standards for which a waiver has been granted.”
8 42 U.S.C. § 7507.

9 25. In other words, States can comply with Title II of the Act by adopting
10 EPA’s Title II standards, or California’s standards with an EPA approved preemption
11 waiver. *Id.* But in doing so, Congress reaffirmed the national preemption policy for
12 motor vehicle and engine emissions regulation by explicitly prohibiting States from
13 taking any action that would create a vehicle or engine different than one certified in
14 California, “or otherwise create such a ‘third vehicle.’” *Id.*

15 26. Consequently, if EPA issues a waiver, there are at most two sets of
16 emissions standards applicable to vehicle manufacturers: (1) the federal standards;
17 and (2) the California standards, promulgated by CARB and then approved through
18 an EPA preemption waiver, and adopted by any other opt-in State under section 177.

19 **II. The Congressional Review Act**

20 27. Congress enacted the Congressional Review Act (“CRA”) in 1996 “as an
21 exercise of the rulemaking power of the Senate and House of Representatives.” 5
22 U.S.C. § 802(g)(1). The CRA establishes a set of Congressional procedures for
23 reviewing and disapproving certain agency rules through joint resolutions passed by
24 majority vote of both the House and Senate and presented to the President. A joint
25 resolution under the CRA is federal law, enacted in accordance with “the process of
26 bicameralism and presentment.” *Ctr. for Biological Diversity v. Bernhardt*, 946 F.3d
27 553, 563 (9th Cir. 2019).

28. Before any administrative rule can take effect, the agency must submit a “report” to Congress containing a copy of the rule. *Id.* § 801(a)(1). If it chooses, Congress may then disapprove the rule by passing a “joint resolution” that is presented to the President for his signature or veto. *Id.* § 802. Once a joint resolution disapproving an agency rule is signed into law by the President, the rule “shall be treated as though such rule had never taken effect,” *id.* § 801(f), and “shall have no force or effect,” *id.* § 802(a). Further, the agency cannot reissue a “new rule that is substantially the same” “unless the reissued or new rule is specifically authorized by a law enacted after the date of the joint resolution disapproving the original rule.” *Id.* § 801(b)(2).

29. The CRA expressly precludes judicial review: “No determination, finding, action, or omission under this chapter shall be subject to judicial review.” 5 U.S.C. § 805; *Bernhardt*, 946 F.3d at 563 (barring review of whether Congress complied with the CRA procedures); *Kan. Nat. Res. Coal. v. U.S. Dep’t of Interior*, 971 F.3d 1222, 1236 (10th Cir. 2020) (barring review of whether administrative agencies complied with the CRA procedures because “the CRA unambiguously prohibits judicial review of any omission by any of the specified actors”).

FACTUAL ALLEGATIONS

I. California’s Regulatory Overreach for Heavy-Duty Trucks

30. On September 23, 2020, California Governor Gavin Newsom issued Executive Order N-79-20 that directed CARB to develop and propose regulations that would increase the share of zero- and near zero-emissions vehicle sales in California toward a 100% sales goals for 2035 or 2045, depending on the vehicle category. *See* CA Exec. Order N-79-20 §§ 1-2 (Sept. 23, 2020).

31. This order was not based on unique air pollution challenges in California but instead responded to the global “climate change crisis that is happening now,” to “accelerate [California’s] actions to mitigate and adapt to climate change,” and to

1 prioritize “clean transportation” options and “zero emissions” technologies. *Id.* at
2 Preamble.

3 32. CARB responded with an assault on heavy-duty trucks with internal-
4 combustion engines—the backbone of the ground shipping in the United States.¹

5 **A. The Advanced Clean Trucks Rule (ACT)**

6 33. In January 2021, CARB adopted the “Advanced Clean Trucks” (“ACT”)
7 rule. *See* CARB, Exec. Order R-20-004 (Jan. 26, 2021). Under the ACT rule, vehicle
8 manufacturers incurred “deficits” based on the number of heavy-duty trucks produced
9 and sold in California for each model year beginning in 2024 and ending in 2035. *See*
10 Cal. Code Regs. tit. 13, § 1963.1(a) (2025).

11 34. Covered manufacturers were required to make up those deficits with
12 “credits” obtained by selling zero- and near zero-emissions heavy-duty trucks. *See id.*
13 §§ 1963.2-.3. For each model year, the deficit calculation increased, but the credit
14 calculation remained the same. *Id.* §§ 1963.1-.2(a)-(b). The effect was to require
15 covered manufacturers to sell an increasing number of zero- and near zero-emitting
16 vehicles each model year.

17 35. Covered manufacturers could also meet their annual credit quota by
18 trading, selling or otherwise transferring credits from other manufacturers. *See id.*
19 § 1963.2(e) (2025). But that option existed only if other manufacturers had produced
20 excess credits for the relevant model year. *See id.* §§ 1963.2(g) (imposing limited credit
21 lifetime), 1963.3(a) (requiring compliance for each model year).

22 36. On April 6, 2023, EPA approved California’s request for a preemption
23 waiver for the ACT rule under section 209 of the Clean Air Act. 88 Fed. Reg. 20688
24 (Apr. 6, 2023). As of June 2025, the ACT rule had been adopted by Colorado, Maryland,
25
26

27 ¹ “Heavy-duty” vehicles means vehicles with a gross vehicle weight rating (the
28 loaded weight of a single vehicle) of more than 8,500 lbs. 40 C.F.R. § 1037.801.

1 Massachusetts, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont,
2 and Washington.²

3 37. On March 19, 2024, CARB approved amendments to the ACT Rule. *See*
4 CARB, Exec. Order R-24-001 (Mar. 19, 2024). The amendments clarified that
5 passenger cars and certain trucks were not subject to the ACT rule, allowed complete
6 zero-emissions vehicles between 8,501 and 14,000 pounds to count toward credits, and
7 extended the period to make-up for a credit deficit from one year to three years, among
8 other changes. *See* Final Regulation Order, Amendments to Title 13, California Code
9 of Regulations, Hearing Dates May 23, 2024, and October 24, 2024.³

10 38. On March 18, 2025, CARB requested from the California Office of
11 Administrative Law an early effective date for the ACT rule. *See* CARB Request for
12 an Early Effective Date.⁴

13 39. On May 13, 2025, CARB issued a notice of public hearing for further
14 proposed amendments to the ACT Rule. These amendments would have changed the
15 compliance demonstration requirements and provided for trading, sale, and transfer
16 of credits between manufacturers in “pooling states,” among other changes. *See*
17 Proposed Regulation Order, Amendments to Title 13, California Code of Regulations,
18 Hearing Date July 24, 2025.⁵ CARB finalized the amendments on July 24, 2025.⁶

22 ² [https://ww2.arb.ca.gov/our-work/programs/advanced-clean-cars-](https://ww2.arb.ca.gov/our-work/programs/advanced-clean-cars-program/states-have-adopted-californias-vehicle-regulations)
23 [program/states-have-adopted-californias-vehicle-regulations.](https://ww2.arb.ca.gov/our-work/programs/advanced-clean-cars-program/states-have-adopted-californias-vehicle-regulations)

24 ³ <https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2024/actzepcert/fro.pdf>.

25 ⁴ <https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2024/actzepcert/reed.pdf>.

26 ⁵ <https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2025/actpooling/appa1.pdf>.

27 ⁶ [https://ww2.arb.ca.gov/news/carb-approves-amendments-clean-truck-](https://ww2.arb.ca.gov/news/carb-approves-amendments-clean-truck-standards-provide-flexibility-while-maintaining-emissions)
28 [standards-provide-flexibility-while-maintaining-emissions.](https://ww2.arb.ca.gov/news/carb-approves-amendments-clean-truck-standards-provide-flexibility-while-maintaining-emissions)

B. The Advanced Clean Fleets Rule (ACF)

40. In October 2022, CARB enacted the Advanced Clean Fleets rule (“ACF”).
See CARB Executive Order R-23-003 (Oct. 27, 2022).⁷

41. The ACF rule was the demand-side complement to the supply-side ACT. The ACF rule required certain “fleets” operating in California to transition to zero-emissions heavy-duty trucks through phasing out the use of internal combustion engines and a purchase mandate of zero- and near zero-emissions vehicles in their operations. Covered fleets included drayage vehicles (trucks that transport shipping containers); fleets owned by state, local and federal agencies; and “high priority” fleets—those that have more than \$50 million in annual revenue or more than 50 covered trucks, among others. Cal. Code Regs., tit. 13, §§ 2013(a)(1), 2014(a)(1), 2015(a)(1) (2023).

42. Covered fleets were required to purchase zero-emissions vehicles as early as 2024, but no later than 2042. *See* Cal. Code Regs., tit. 13, §§ 2013(d), 2014.1(a)(1)-(2), 2015.2(a) (2023). And manufacturers were allowed to sell only zero-emissions heavy-duty trucks starting in model year 2036. Cal. Code Regs., tit. 13, § 2016(c) (2023).

43. On November 15, 2023, CARB requested a Clean Air Act preemption waiver from EPA, but after the presidential election, it withdrew the request on January 13, 2025. *See* <https://perma.cc/N5EN-BL NJ>. As such, EPA has not promulgated a Clean Air Act preemption waiver for the ACF rule.

44. The ACF rule has been challenged in multiple lawsuits, both in state and federal court. For example, on May 13, 2024, 16 States, the Arizona State Legislature, and the Nebraska Trucking Association filed suit in the U.S. District Court for the Eastern District of California challenging the ACF rule as preempted by federal law

⁷ <https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2022/acf22/ac/eo.pdf>.

1 and violating the Commerce Clause. *See* Compl., *Nebraska v. Cliff*, No. 2:24-cv-1364
2 (E.D. Cal. May 13, 2024), Dkt. No. 1.

3 45. After CARB withdrew its waiver request in January 2025, the parties in
4 that case reached an agreement to put the case in abeyance while Defendant Cliff
5 presents to CARB a new proposal to repeal the high-priority fleet and drayage fleet
6 requirements in the ACF regulation. *See* Order, *Nebraska v. Cliff*, No. 2:24-cv-1364
7 (E.D. Cal. May 5, 2025), Dkt. No. 95.

8 46. CARB has also agreed not to enforce the ACF rule requirement for 100%
9 zero-emission heavy-duty trucks by 2036 until CARB obtains a Clean Air Act
10 preemption waiver from EPA. *Id.* ¶ 3.

11 47. Importantly, CARB has not indicated that it will repeal the model year
12 2036 100% zero-emission vehicle sale requirement, creating market uncertainty about
13 whether California will follow federal uniform national emissions standards.

14 **C. The Omnibus Low Nox Rule (Omnibus)**

15 48. In September 2021, CARB adopted its Omnibus rule requiring truck
16 manufacturers to significantly reduce heavy-duty vehicle nitrogen oxides (NOx) and
17 particulate emissions. *See* Cal. Code Regs. tit. 13, § 1956.8 (2025).

18 49. In December 2021, CARB amended its rule to slash NOx and particulate
19 matter emissions limits starting in model year 2024, among other extensive changes.
20 *See* CARB, Executive Order R-21-007; Final Regulation Order, Amendments to Title
21 13, California Code of Regulations, Hearing Date August 27, 2020.⁸

22 50. After the amendment, in January 2022, CARB requested from EPA a
23 Clean Air Act preemption waiver for its Omnibus rule, and EPA noticed the waiver
24 request for comment on June 13, 2022. 87 Fed. Reg. 35765 (June 13, 2022).

25
26 _____
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28 <https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2020/hdomnibuslownox/froa-1.pdf>.

1 51. But the Omnibus rule was so onerous that manufacturers decided not to
2 produce California-compliant vehicles in response. Manufacturers then sued CARB
3 for failing to provide the four years of compliance lead time mandated by section 202(a)
4 of the Clean Air Act, 42 U.S.C. § 7521(a)(3)(C), and incorporated into section 209 as a
5 ground for EPA to refuse to issue a preemption waiver, *id.* § 7543(b)(1)(C).

6 52. In December 2023, CARB yet again amended the Omnibus rule to allow
7 certain heavy-duty trucks to meet applicable federal requirements for model years
8 2024 to 2026 and certain “legacy” engine provisions, among other changes. CARB
9 Order, Executive Order R-23-006; Final Regulation Order, Amendments to Title 13,
10 California Code of Regulations, Hearing Date Oct. 20, 2023.⁹

11 53. In July 2024, CARB amended its request for a Clean Air Act preemption
12 waiver to cover the revised amendments. *See* <https://perma.cc/U2ZQ-RSUP>.

13 54. On January 6, 2025, EPA promulgated the requested preemption waiver
14 for the Omnibus rule as amended. 90 Fed. Reg. 643 (Jan. 6, 2025).

15 55. As of June 2025, Colorado, Massachusetts, New Jersey, New Mexico,
16 New York, Oregon, Rhode Island, Vermont, and Washington had adopted the
17 Omnibus rule.

18 **D. CARB’s Vehicle Certification Requirements**

19 56. A preemption waiver issued by EPA under section 209(b) allows
20 California not only to impose emissions standards, but also to impose a requirement
21 for “certification . . . or any other approval relating to the control of emissions . . . as a
22 condition precedent to sale”—a practice otherwise forbidden by the second clause of
23 section 209(a). 42 U.S.C. § 7543(a).

24 57. EPA has implemented this provision by allowing CARB to mandate
25 conditions for certification where California has obtained a separate preemption

26 9

27 https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2023/hdomnibus2023/fro_atta-
28 1.pdf.

1 waiver for the relevant emission standards applicable to a particular class of vehicles.
2 *See* Conditions Precedent to the Sale, Titling, or Registration of New Motor Vehicles
3 in California, 50 Fed. Reg. 35123 (Aug. 29, 1985).

4 58. Under California law, these conditions precedent include a requirement
5 that new vehicles and engines receive certification from CARB before they are sold in
6 the State. Cal. Health & Safety Code, §§ 43151 & 43512; *see also* § 1036.801
7 “Certification,” California Exhaust Emission Standards and Test Procedures for 2004
8 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles (Sept. 9, 2021)
9 (“September 2021 CARB Heavy-Duty Test Procedures”), incorporated by reference
10 into Cal. Code Regs. tit. 13, § 1956.8(b) (2025).

11 59. When successful, certification culminates in an order from CARB
12 approving a particular vehicle or engine for sale in California during that model year.
13 *See id.* § 1036.801 “Certificate of Conformity,” September 2021 CARB Heavy-Duty
14 Test Procedures.

15 60. Selling vehicles in California without a CARB certification is a serious
16 offense that subjects the seller to substantial civil penalties. *See* Cal. Health & Safety
17 Code § 43154(a)(1).

18 **II. The Clean Truck Partnership**

19 61. As CARB continued with stringent and ever-changing regulations, the
20 truck manufacturers raised serious concerns about the legality and technical
21 feasibility of these standards. Two objections are especially relevant here.

22 62. First, the Omnibus rule was dramatically different from the federal
23 criteria pollutant emissions standards, effectively requiring the truck manufacturers
24 to make two different internal-combustion engines. As EPA noted in its rulemaking
25 for criteria pollutant standards, CARB’s Omnibus rule contained emissions standards
26 “even more stringent” than the *most* stringent rules considered by EPA.¹⁰

27 ¹⁰ *See* Final Rule, Control of Air Pollution from New Motor Vehicles: Heavy-
28 Duty Engine and Vehicle Standards, 88 Fed. Reg. 4296, 4301 (Jan. 24, 2023).

1 63. Second, the truck manufacturers’ product development requires long
2 lead times—a fact so well-recognized that the Clean Air Act itself specifically requires
3 at least four years of lead time and a three-year regulatory stability period for heavy-
4 duty criteria pollutant emissions standards. 42 U.S.C. § 7521(a)(3)(C).

5 64. But when CARB promulgated new criteria pollutant emissions
6 standards in the Omnibus rule, it did not provide the requisite statutory lead time.
7 Instead, CARB adopted rules on December 22, 2021, which then became effective in
8 model year 2024—providing only two years of lead time, as manufacturing for a model
9 year begins well in advance.¹¹

10 65. Consequently, the Truck and Engine Manufacturers Association
11 (“EMA”) filed suit against CARB asserting that the Omnibus rule did not comply with
12 the Clean Air Act’s mandated lead time. *See Engine Mfgs. Ass’n v. Cal. Air Resources*
13 *Bd.*, No. 2:22-cv-03663 (C.D. Cal. May 25, 2022). When EPA proposed to promulgate
14 a waiver for the Omnibus rule and accepted comments on the lead time issue, EMA
15 withdrew its lawsuit.¹²

16 66. Shortly thereafter, Defendant Cliff wrote to EMA stating that in
17 recognition of EMA dropping its litigation, CARB sought “discussion” with EMA and
18 was open to “exploring areas of alignment between state and federal combustion
19 rules”—a potential path out of the regulatory quagmire for the truck manufacturers.¹³
20

21 ¹¹ Cal. Code Regs. tit. 13, § 1956.8(a)(2)(C) (2025) (establishing model year 2024-
22 2026 standards); Cal. Reg. Notice Register 2021, 1809 Vol. 53-Z (Dec. 31, 2021),
23 [https://oal.ca.gov/wp-content/uploads/sites/166/2021/12/2021-Notice-Register-](https://oal.ca.gov/wp-content/uploads/sites/166/2021/12/2021-Notice-Register-Number-53-Z-December-31-2021.pdf)
24 [Number-53-Z-December-31-2021.pdf](https://oal.ca.gov/wp-content/uploads/sites/166/2021/12/2021-Notice-Register-Number-53-Z-December-31-2021.pdf) (indicating adoption date for revised California
25 Code of Regulations title 13, section 1956.8); CARB, Final Regulation Order, Title 13,
26 at 7-11, Nonrulemaking Docket No. EPA-HQ-OAR-2022-0332,
27 <https://www.regulations.gov/document/EPA-HQ-OAR-2022-0332-0005>.

28 ¹² EMA Press Release, Truck & Engine Manufacturers Withdraw Lawsuit on
Leadtime Requirement for Heavy-Duty Emissions Standards (Aug. 11, 2022),
<https://shorturl.at/43iU3>.

¹³ Letter from Steven S. Cliff, Executive Officer, CARB, to Jed Mandel,
President, EMA (Oct. 14, 2022), [https://ww2.arb.ca.gov/sites/default/files/2022-](https://ww2.arb.ca.gov/sites/default/files/2022-Complaint-in-Intervention)
Complaint-in-Intervention

1 67. Nine months later, in July 2023, CARB announced the Clean Truck
2 Partnership.¹⁴ Although stylized as an “agreement,” in substance, the Clean Truck
3 Partnership incorporates regulations and imposes compliance obligations on
4 regulated entities.

5 68. To illustrate, while “agreements” ordinarily have defined terms or
6 dispute-resolution provisions, the Clean Truck Partnership does not. Nor does the
7 Clean Truck Partnership have other typical contractual provisions ordinarily found
8 in California contracts including, for example, assignment, choice of law, severability,
9 termination, venue, and more. To the contrary, a key goal of the Clean Truck
10 Partnership is to “ensur[e] current and future *CARB regulations* affecting new [heavy-
11 duty on-highway] vehicle and engines . . . achieve significant reductions of air
12 pollutants from such vehicles and engines.” CTP at 1 (emphasis added).

13 69. To this end, the Clean Truck Partnership adopts California regulatory
14 standards to, in part, facilitate compliance with California vehicle emission standards
15 irrespective of federal law while still threatening regulatory consequences if the truck
16 manufacturers do not comply with those stringent regulations.

17 70. CARB detailed these regulatory standards in appendices attached to the
18 Clean Truck Partnership:

19 a. **Appendix A** – “Amendments to Omnibus Legacy Provisions in Title 13
20 California Code of Regulations (CCR) 1956.8 to Ease Transition”: “The intent of the
21 actions set forth in Appendix A is to revise the existing compliance flexibility
22 provisions of CARB’s Omnibus Regulation by raising the existing caps on legal engines
23 and streamlining certain other provisions without increasing emissions compared to
24

25 10/EMA%20Letter%20to%20Mandel%20SSC_Signed.pdf.

26 ¹⁴ Press Release, CARB and truck and engine manufacturers announce
27 unprecedented partnership to meet clean air goals (July 6, 2023),
28 <https://ww2.arb.ca.gov/news/carb-and-truck-and-engine-manufacturers-announce-unprecedented-partnership-meet-clean-air>.

1 the preexisting Omnibus Regulation.” CTP ¶ 1. CARB also committed to “initiat[ing]
2 rulemaking actions” to further its compliance goals. *Id.* App’x A at 2.

3 b. **Appendix B** – “CARB Truck Regulations Compliance and U.S. EPA
4 Clean Trucks Plan Harmonization”: “The intent of the actions set forth in Appendix
5 B” is to “clarify which authorities and regulations remain status quo in California,” to
6 “specify which regulations are covered by the [signatories’] commitment” to meet
7 “CARB regulations,” and to “amend the Omnibus Regulation’s 2027 and later model
8 year requirements.” CTP ¶ 1 (incorporating elements of the ACT rule, the ACF rule,
9 and the Omnibus rule).

10 c. **Appendix C** – “Emission Warranty Information Reporting, In Use
11 Compliance, Advanced Clean Trucks and Advanced Clean Fleet Regulatory
12 Implementation Efforts”: Appendix C describes actions related to CARB’s emission
13 warranty and information reporting program, among other things. The appendix also
14 describes CARB’s “ongoing efforts” to enforce the ACT and ACF regulations. *Id.* at 1–
15 2 (discussing credits, deficits, and sales reporting requirements).

16 d. **Appendix D** – “Support for CARB’s Regulations and for States’ that
17 have Adopted CARB Regulations per S177 CAA”: The Clean Truck Partnership
18 mandates production of zero-emissions vehicles regardless of customer demand. It
19 requires the truck manufacturers to “commit to put forth their best efforts to sell as
20 many zero-emission trucks as reasonably possible in every state that has or will adopt
21 CARB’s ACT regulations . . . irrespective of the outcome of [their legality or state
22 authority to implement and enforce them].” *Id.* App’x D ¶ F.

23 71. The penalties for failing to follow the Clean Truck Partnership are
24 regulatory in nature. First, and most crucially, the Clean Truck Partnership provided
25 that “California will maintain its certification program,” trumpeting CARB’s
26 authority to impose certification requirements on manufacturers regardless of
27 countervailing federal legal authority. *Id.* App’x B ¶ 1. And building a car without a
28 certificate is like driving a car without an engine.

1 72. Second, the Clean Truck Partnership describes regulatory
2 “consequence[s]” if the Omnibus rule’s “caps are exceeded”: the truck manufacturers’
3 sales “would be considered as non-compliant sales.” *Id.* App’x A nn.1–2.

4 73. Finally, the Clean Truck Partnership reminds its signatories “that
5 CARB’s Executive Officer is authorized to consider specified information in
6 determining whether a recall of a vehicle or engine family is required.” *Id.* App’x C at
7 1.

8 74. To try and insulate California’s preempted regulations from challenge,
9 the Clean Truck Partnership imposes a series of conditions restricting manufacturers’
10 ability to petition the federal government. Specifically, the Clean Truck Partnership
11 prohibits the truck manufacturers from (1) challenging the relevant CARB
12 regulations; (2) filing requests for EPA Clean Air Act preemption waivers or
13 authorizations; (3) filing amicus briefs challenging such actions; or (4) supporting
14 motions challenging such waivers or authorizations. CTP ¶ 4. They also swore not to
15 (5) challenge any states’ adoption of similar regulations or (6) participate in any such
16 rulemakings or proposals. *Id.* Appendix D ¶ A.

17 75. Even worse, the truck manufacturers must comply with the relevant
18 regulations “irrespective of the outcome of any litigation challenging the waivers or
19 authorizations for those regulations or of CARB’s overall authority to implement those
20 regulations.” *Id.* ¶ 4.

21 76. CARB makes clear that the purpose of the Clean Truck Partnership is
22 not to simply memorialize the terms of compliance, but rather to insulate CARB’s
23 regulations from judicial or congressional review.

24 77. The Clean Truck Partnership states that manufacturers will continue
25 abiding by the regulations “irrespective of the outcome of any litigation challenging
26 the waivers or authorizations for those regulations or of CARB’s overall authority to
27 implement those regulations.” *Id.* ¶ 2; *accord id.* App’x D, ¶¶ B, F (same for any state
28 that adopts CARB’s standards)

1 78. In all, the Clean Truck Partnership does not seek to replace previously
2 enacted regulations or standards with bargained-for contractual provisions. Instead,
3 the Clean Truck Partnership expressly incorporates and attempts to enforce three sets
4 of regulatory standards—ACT, Omnibus, and ACF.

5 79. CARB sought to impose emissions standards and certification
6 requirements on the industry in a manner that it hoped might insulate those
7 regulations from federal oversight and judicial review. CARB imposed the standards
8 included in the Clean Truck Partnership in its capacity as an industry regulator—not
9 in its capacity as a market participant.

10 **III. Congressional and Presidential Disapproval of EPA’s Clean Air**
11 **Act Preemption Waivers**

12 80. The ACT rule and Omnibus rule preemption waivers were challenged in
13 federal court. *See W. States Trucking Ass’n, Inc. v. EPA*, No. 23-1143 (D.C. Cir. 2023)
14 (ACT rule); *Am. Free Enter. Chamber of Com. v. EPA*, No. 25-106 (9th Cir. 2025)
15 (Omnibus rule); *Am. Fuel & Petrochem. Mfrs. v. EPA*, No. 25-1083 (D.C. Cir. 2025)
16 (Omnibus rule). Congress also disapproved of them.

17 81. As explained, California’s authority to regulate heavy-duty vehicle and
18 engine emissions depended on Clean Air Act waivers granted by EPA.

19 82. On May 22, 2025, Congress passed CRA resolutions disapproving EPA’s
20 Clean Air Act preemption waivers for CARB’s ACT rule and the Omnibus rule, among
21 other actions. Referring to the EPA’s preemption waiver for the ACT and Omnibus
22 rules, the legislation states that “Congress disapproves the rule submitted by the
23 Environmental Protection Agency,” and that “such rule shall have no force or effect.”
24 *See* Pub. L. No. 119-15, 139 Stat. 65 (ACT); Pub. L. No. 119-17, 139 Stat. 67 (Omnibus).

25 83. On June 12, 2025, the President signed this legislation disapproving
26 these EPA preemption waivers. The President stated that the resolutions make clear
27 that “California’s attempts to impose an electric vehicle mandate, regulate national
28 fuel economy, and regulate greenhouse gas emissions are not eligible for waivers of

1 preemption under section 209 of the Clean Air Act” and that the waivers can “never
2 again be misused to regulate greenhouse gas emissions.”¹⁵

3 84. Once Congress passed and the President signed the measures voiding
4 the recent EPA waivers, CARB lost Clean Air Act authority for its regulations. *See*
5 *Diamond Alt. Energy, LLC v. EPA*, 145 S. Ct. 2121, 2131 n.1 (2025) (“Acting under the
6 Congressional Review Act, Congress recently passed and the President signed
7 legislation to block . . . California regulations”).

8 85. Congress’ disapproval of EPA’s preemption waivers is not subject to
9 judicial review. *See* 5 U.S.C. § 805 (“No determination, finding, action, or omission
10 under this chapter shall be subject to judicial review.”); *see also Bernhardt*, 946 F.3d
11 at 563 (barring review); *Kan. Nat. Res. Coal.*, 971 F.3d at 1236 (barring review).

12 86. Upon enactment of the joint resolutions, no preemption waiver applied
13 to California’s ACT and Omnibus rules, and no preemption waiver had ever been in
14 place for California’s ACF rule. Accordingly, those regulations and any attempt to
15 enforce them are preempted under section 209(a) of the Clean Air Act.

16 **IV. California’s Defiance of Congress’ CRA Disapprovals and**
17 **CARB’s Ongoing Attempt to Enforce Preempted Regulations**
18 **Enshrined in the Clean Truck Partnership**

19 87. In response to Congressional and Presidential disapprovals of EPA’s
20 Clean Air preemption waivers, California has declared its intent to keep enforcing the
21 standards embedded in the ACT, ACF, and Omnibus rules. California cites the Clean
22 Truck Partnership as the source of its authority.

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¹⁵ [https://www.whitehouse.gov/briefings-statements/2025/06/statement-by-the-](https://www.whitehouse.gov/briefings-statements/2025/06/statement-by-the-president/)
28 [president/](https://www.whitehouse.gov/briefings-statements/2025/06/statement-by-the-president/).

1 92. CARB continues to threaten substantial regulatory fines against any
2 manufacturer who sells vehicles in California without a CARB certificate: “CARB
3 would continue accepting and processing certification applications for 2026 models to
4 ensure continuity and enable lawful vehicle sales in California.”¹⁸ And it does so
5 notwithstanding that the Clean Air Act expressly prohibits such certifications in the
6 absence of a waiver. 42 U.S.C. § 7543(a).

7 **B. California Executive Order N-27-25**

8 93. On June 12, 2025, Governor Newsom ordered CARB to keep enforcing
9 the regulatory standards in the ACT, Omnibus, and ACF rules through the Clean
10 Truck Partnership. See CA Executive Order N-27-25 (June 12, 2025) (“Compliance
11 Order”); <https://perma.cc/5UV5-DSPE>.

12 94. The Compliance Order declares that Congress’s CRA disapprovals of the
13 waivers are unenforceable. See CA Executive Order N-27-25, Preamble. Further,
14 according to Governor Newsom, the truck manufacturers must comply with the Clean
15 Truck Partnership “regardless of the outcome of any change in law concerning
16 California’s authority to implement its more stringent emissions standards under the
17 federal Clean Air Act.” CA Executive Order N-27-25, Preamble. California thus
18 declared that it has the power to nullify federal law.

19 95. Governor Newsom directed CARB to continue to implement the ACT
20 rule, Omnibus rule, and internal combustion engine ban in 2036 under the ACF rule
21 “regardless of the status of those regulations under federal law,” and he independently
22 ordered CARB to continue implementing those standards through the Clean Truck
23 Partnership. CA Executive Order N-27-25 ¶¶ 3-4.

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26 ¹⁸ *CARB approves amendments to clean truck standards to provide flexibility*
27 *while maintaining emissions benefits* (July 24, 2025),
28 <https://ww2.arb.ca.gov/news/carb-approves-amendments-clean-truck-standards-provide-flexibility-while-maintaining-emissions>.

1 Pursuance thereof . . . shall be the supreme Law of the Land . . . any Thing in the
2 Constitution or Laws of any State to the Contrary notwithstanding.” U.S. CONST.
3 art. VI, cl. 2.

4 100. Section 209(a) of the Clean Air Act provides that “No State or any
5 political subdivision thereof shall adopt or attempt to enforce any standard relating
6 to the control of emissions from new motor vehicles or new motor vehicle engines
7 subject to this part.” 42 U.S.C. § 7543(a). An “attempt” to enforce an emissions
8 standard includes preliminary acts falling short of enforcement. *Engine Mfrs. Ass’n v.*
9 *S. Coast Air Quality Mgmt. Dist.*, 541 U.S. 246, 257 (2004). The term “attempt to
10 enforce” in section 209(a) is not limited to the actual imposition of penalties for
11 violations but includes steps preliminary to that action. *Id.*

12 101. Section 209(a) also provides that “No State shall require certification,
13 inspection, or any other approval relating to the control of emissions from any new
14 motor vehicle or new motor vehicle engine as condition precedent to the initial retail
15 sale, titling (if any), or registration of such motor vehicle, motor vehicle engine, or
16 equipment.” 42 U.S.C. § 7543(a).

17 102. California vehicle emissions standards are preempted under section
18 209(a) of the Clean Air Act unless the regulation is authorized by a valid preemption
19 waiver issued by the EPA under 42 U.S.C. § 7543(b).

20 103. The ACT rule, the ACF rule, and the Omnibus rule are “standards” under
21 section 209(a) of the Clean Air Act. 42 U.S.C. § 7543(a). Because they are “standards”
22 under section 209(a), CARB sought waivers for these rules.

23 104. The ACT rule sets standards relating to the control of emissions from
24 new motor vehicles or engines by requiring the manufacture of zero-emission or near
25 zero-emission heavy-duty trucks—irrespective of whether meaningful advances in
26 zero-emissions power-train technology occurred—and banning internal-combustion
27 engines in heavy-duty trucks by 2036, among other requirements.

105. Congress disapproved EPA's Clean Air Act preemption waiver for the ACT rule by joint resolution, and President Trump signed that joint resolution. The ACT rule therefore is preempted and void under 42 U.S.C. § 7543(a) and the Supremacy Clause of the United States Constitution, and Defendants cannot enforce or attempt to enforce it.

106. The ACF rule sets standards relating to the control of emissions from new motor vehicles or engines by requiring covered fleets to purchase zero- and near zero-emissions heavy-duty trucks vehicles and banning internal-combustion engines in heavy-duty trucks by 2036, among other requirements.

107. EPA never issued a Clean Air Act preemption waiver for the ACF rule. The ACF Rule therefore is preempted and void under 42 U.S.C. § 7543(a) and the Supremacy Clause of the United States Constitution, and Defendants cannot enforce or attempt to enforce it.

108. The Omnibus rule as amended sets standards relating to the control of emissions from new motor vehicles or engines by setting emissions limits on NOx and particulate matter in heavy-duty trucks, among other requirements.

109. Congress disapproved EPA's Clean Air Act preemption waiver for the Omnibus rule by joint resolution, and President Trump signed that joint resolution. The Omnibus rule as amended thus is preempted and void under 42 U.S.C. § 7543(a) and the Supremacy Clause of the United States Constitution, and Defendants cannot enforce or attempt to enforce it.

SECOND CLAIM FOR RELIEF

Preemption of the Clean Truck Partnership

Under the Clean Air Act and U.S. Constitution

110. The United States incorporates by reference all allegations stated above.

111. By dictating that manufacturers must “meet, in California, the requirements of the relevant regulations . . . regardless of the outcome of any litigation challenging the waivers/authorizations for those regulations, or CARB’s

1 overall authority to implement those regulations,” CTP App’x B, the Clean Truck
2 Partnership adopts and “attempt[s] to enforce . . . standard[s] relating to the control
3 of emissions from new motor vehicles or new motor vehicle engines” subject to section
4 209(a) of Clean Air Act. 42 U.S.C. § 7543(a).

5 112. The Clean Truck Partnership purports to incorporate and implement
6 three regulatory standards at issue: the ACT, Omnibus, and ACF rules. By its own
7 terms, the Clean Truck Partnership is the enforcement mechanism for the emissions
8 standards applicable to the truck manufacturer signatories under the ACT, ACF, and
9 Omnibus rules. CTP ¶ 2, App’x B, at 1

10 113. By purporting to require compliance by the manufacturers, the Clean
11 Truck Partnership represents an *attempt to enforce* the incorporated regulations. *See*
12 Executive Order N-27-25 at 2 (describing the Clean Truck Partnership as requiring
13 manufacturers “to meet California’s heavy-duty vehicle emission standards that will
14 require the sale and adoption of zero-emissions technology in California, regardless of
15 the outcome of any change in law concerning California’s authority to implement its
16 more stringent emissions standards under the federal Clean Air Act”).

17 114. Therefore, the Clean Truck Partnership is preempted under section
18 209(a) of the Clean Air Act, 42 U.S.C. § 7543(a), and the Supremacy Clause of the
19 United States Constitution, both because it has not received an EPA waiver under the
20 Clean Air Act, and because it is an attempt to enforce California emissions regulations
21 that have received no EPA preemption waiver. *See* 5 U.S.C. § 801(f) (disapproved
22 rules “shall be treated as though such rule had never taken effect”). Defendants cannot
23 attempt to enforce the preempted Clean Truck Partnership or the preempted
24 regulations embedded in it.

25 PRAYER FOR RELIEF

26 WHEREFORE, the United States respectfully requests that this Court:

27 A. Declare the ACT, ACF and Omnibus rules preempted under 42 U.S.C.
28 § 7543(a) and therefore void and unenforceable;

1 B. Permanently enjoin Defendants from taking actions to implement or
2 enforce the ACT, ACF, and Omnibus rules;

3 C. Declare the Clean Truck Partnership preempted under 42 U.S.C.
4 § 7543(a) and therefore void and unenforceable;

5 D. Permanently enjoin Defendants from taking actions to implement or
6 enforce the Clean Truck Partnership;

7 E. Award the United States its costs and disbursements in this action; and

8 F. Award such other and further relief as the Court may deem just and
9 proper.

10 Respectfully submitted,

11 ADAM R.F. GUSTAFSON
12 *Acting Assistant Attorney General*

13 Dated: August 22, 2025

/s/ Robert N. Stander
14 ROBERT N. STANDER
15 *Deputy Assistant Attorney General*

15 ERIC GRANT
16 *United States Attorney*
17 EDWARD A. OLSEN
18 Assistant United States Attorney
19 501 I Street, Suite 10-100
20 Sacramento, California 95814
21 (916) 554-2821

JOHN K. ADAMS
DAVID D. MITCHELL
United States Department of Justice
Environment & Natural Resources
Div.
P.O. Box 7611
Washington, D.C. 20044-7611
(202) 353-5905
robert.stander@usdoj.gov
john.adams3@usdoj.gov
david.mitchell@usdoj.gov

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23 *Counsel for Plaintiffs-Intervenors*
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